

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-cv-532-RJC-DSC

**OLYMPUS MANAGED HEALTH CARE, INC.)
& OLYMPIC HEALTHCARE SOLUTIONS,)
INC.,)**

Plaintiffs,)

)

v.)

)

**AMERICAN HOUSECALL PHYSICIANS, INC.)
& JONATHAN McGUIRE,)**

)

Defendants,)

)

and)

ORDER

**AMERICAN HOUSECALL PHYSICIANS, INC.)
F/K/A/ INROOMMD, INC.,)**

)

**Third-Party Plaintiff and)
Counterclaimant,)**

)

v.)

)

**RONALD A. DAVIS AND STEVEN W.)
JACOBSON,)**

)

Third-Party Defendants.)

)

THIS MATTER is before the Court on Defendants Jonathan McGuire and American Housecall Physicians, Inc.'s (AHP's) Motion to Reconsider and Impose Conditions on Dismissal (Doc. No. 79).

The purpose of a motion for reconsideration is to correct "manifest errors of law or fact"

DIRECTV, INC. v. Hart, 366 F. Supp. 2d 315, 317 (E.D.N.C.,2004) (quoting Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3rd Cir.1985)). "A motion to reconsider is appropriate where the

court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the court by the parties, or has made an error not of reasoning but of apprehension,” *Id.* It is not proper, however, “where the motion merely asks the court to rethink what the Court had already thought through—rightly or wrongly.” *Harsco Corp.*, 779 F.2d at 909.

Applying this standard, the Court will not rethink its dismissal of Defendant McGuire, and the Defendants’ motion for reconsideration will be denied. As a result, no further conditions must be met by the Plaintiffs regarding McGuire’s discovery requests because he is no longer a party to this suit. However, the remaining defendant, AHP, is free to seek leave of Court to propound additional discovery requests if it so chooses. After considering the Defendants’ request for McGuire’s costs and fees, the Court will award McGuire’s costs, but not his attorneys’ fees.

IT IS, THEREFORE, ORDERED that the Defendants’ Motion to Reconsider and Impose Conditions on Dismissal (Doc. No. 79) is **GRANTED IN PART** and **DENIED IN PART**, that is:

1. **GRANTED** as to the request for McGuire’s costs, and the Plaintiffs shall pay McGuire’s costs incurred in defending this action; and
2. **DENIED** as to all other requests.

Signed: June 1, 2011



Robert J. Conrad, Jr.
Chief United States District Judge
